

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF OKLAHOMA

CITY OF HUGO, OKLAHOMA, et al.,

JUDGMENT IN A CIVIL CASE

Plaintiffs,

CITY OF IRVING, TEXAS,

Intervenor-Plaintiff,

v.

Case Number: 08-303-JTM

JESS MARK NICHOLS, et al.,

Defendants.

IT IS ORDERED AND ADJUDGED in accordance with the Memorandum and Order filed May 3, 2010, that the defendants' cross-motion for summary judgment is granted in part, and denied in part. It is denied insofar as it seeks dismissal of this case on grounds of mootness due to recent legislation or based on any need to defer to the Compact Commission, under the doctrine of primary jurisdiction. It is granted insofar as it seeks summary judgment as to the plaintiffs' Commerce Clause claims (Dkt. No. 111).

IT IS FURTHER ORDERED that the plaintiffs' motion for summary judgment (Dkt. No. 50) and supplemental motion for summary judgment (Dkt. No. 97) are denied.

IT IS FURTHER ORDERED the following motions be denied as moot: 1) Dkt. No. 91 - plaintiffs' joint motion for preliminary injunction filed on September 4, 2009; and 2) Dkt. No. 92 - defendants' motion to vacate order filed on September 8, 2009.

April 30, 2010

Date

By s/Carla Trzcjnski
Deputy Clerk